

## United States Patent and Trademark Office



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PPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/780,668	02/09/2001	Stephen D. Gillies	LEX-011	8264	
21323 75	10/06/2003	EXAMINER			
TESTA, HURWITZ & THIBEAULT, LLP HIGH STREET TOWER			SAUNDERS, DAVID A		
125 HIGH STR			ART UNIT	PAPER NUMBER	
BOSTON, MA 02110			1644		
		•	DATE MAIL ED. 10/06/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.



## Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

ART UNIT 182-110-00

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	A Land Street Market Control of the	ON REJECTION	ા પ્રાથમ (1960) રહ્યા કર્યો ક્ષાણા ભાગ કરવા છે. જો હતા. ૧૩ કે પ્રાથમ ભાગી કે ક્ષાણા ઉત્ત (1964) પ્રાથમ કર્યા કુલ્લાના કુલ્લાના કુલ્લાના
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Since the Examiner's interview sur rejections and requirements that m is considered to fulfill the response the interview unless box 1 above is	nmary above (including a say be present in the last requirements of the last salso checked.	any attachments) reflects a complete resp Office action, and since the claims are no Office action. Applicant is not relieved fro	ones to each of the objections, own allowable, this completed form om providing a separate record of
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FORM PTOL-413 (REV.1-96)

f Interview must B Mad of R cord Manual of Pat nt Examining Procedure, Secti n.713.04 Substance

A complete written statement as to the substance of any face-to-face or telephone interview with regard	to an application mu	ist be made o	of record in the
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application, whether or not an agreement with the examiner was reached at the interview.			

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(b) In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for response to Office action as specified in §§ 1.111,1.135. (35 U.S.C.132)

§ 1.2. Business to be transacted in writing. All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews 💛 🥥 🍴

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner siresponsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of velyer es maintaging

Examiners must complete a two-sheet carbon interleaf Interview Summary Form for each interview held after January 1, 1978 where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks in neat handwritten form using a ball point pen. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812:01 of the Manual of Ratent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures FAIRCHILD (1)

The Interview Summary Form shall be given an appropriate paper number, placed in the right hand portion of the file, and listed on the "Contents" list on the file wrapper. The docket and serial register cards need not be updated to reflect interviews. In a personal interview, the duplicate copy of the Form is removed and given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephonic interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the telephonic interview rather than with the next official communication.

The Form provides for recordation of the following information: 100 and 100 to 100 and 100 and

- -Serial Number of the application
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (personal or telephonic)
- Name of participant(s)) (applicant, attorney or agent, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the claims discussed
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). (Agreements as to allowability are tentative and do not restrict further action by the examiner to the
- The signature of the examiner who conducted the interview
- Names of other Patent and Trademark Office personnel present.

The Form also contains a statement reminding the applicant of his responsibility to record the substance of the interview.

It is desireable that the examiner orally remind the applicant of his obligation to record the substance of the interview in each case unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of the interview, or when the adequately recorded on the Form or in an attachment to the Form, the examiner should check a box at the bottom of the Form informing the applicant that he need not supplement the Form by

Form or in an attachment to the Form, the examiner should check a book and submitting a separate record of the substance of the interview.

It should be noted, however, that the interview Summary Form with not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview:

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 3) an identification of specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner. The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he feels were or might be persuasive to the examiner,

6) a general indication of any other pertinent matters discussed, and the special of the interview of the interview unless already described in the Interview Stimmary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete of accurate, the examiner will give the applicant one month from the date of the notifying letter or the remainder of any period for response, whichever is longer, to complete the response and thereby avoid abandonment of the application (37 CER 1.135(c)-). Declaration for the parameters of the application (37 CER 1.135(c)-). Declaration for the parameters of the application (37 CER 1.135(c)-).

Examiner to Check for Accuracy

Applicant's summary of what took place at the interview should be carefully checked to determine the accuracy of any argument of statement attributed to the examiner during the interview. If there is an inaccuracy and it bears directly on the question of patentability, it should be pointed out in the next Office letter. If the claims are allowable for other reasons of record, the examiner should send a letter setting forth his or her version of the statement attributed to him. If the record is complete and accurate, the examiner should place the indication "Interview record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

PRIMARY EXAMINER ART UNIT 182- - 1 (1)

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